

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE BAILEY III,

Plaintiff,

No. CIV S-04-2067 GEB EFB P

vs.

J. WEDELL, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed March 22, 2006, the United States Marshal was directed to serve process on defendants in this action, including Doctor Salvatore A.J. Latteri. On July 12, 2007, the United States Marshal returned service unexecuted on Doctor Latteri because said individual is deceased. In light of the suggestion of Doctor Latteri's death upon the record, the Clerk of the Court will be directed to serve a copy of the USM-285 form returned by the Marshal on plaintiff together with a copy of this order. Service of said form will invoke the ninety day time limit for filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1).

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall serve on
2 plaintiff forthwith a copy of the USM-285 form returned by the United States Marshal on Doctor
3 Latteri together with this order.

4 DATED: October 2, 2007.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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